

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 GEORGE DEMETRIUS KARALIS, M.D.,

Case No. 2:12-cv-694-APG-GWF

5 Plaintiff,

6 v.

**ORDER DENYING TEMPORARY
RESTRAINING ORDER**

7 GUN VAULT, INC. and KELLY D. CARN,

(Dkt. #107)

8 Defendants.
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10 Plaintiff allegedly paid the defendants for the purchase of firearms, but the defendants did
11 not deliver them. The defendants have apparently closed their gun store, and filed for
12 bankruptcy. The ATF allegedly is holding some of the guns plaintiff purchased, in connection
13 with a criminal investigation. Plaintiff believes the ATF may return the firearms and other
14 property to the defendants at some point. Plaintiff has filed a Motion for Temporary Restraining
15 Order (Dkt. #107) and a Motion for Preliminary Injunction (Dkt. #108) seeking to prevent the
16 defendants from taking control of those firearms and property if they are released by the ATF.

17 A Temporary Restraining Order is not warranted at this time. Plaintiff has not made a
18 sufficient showing of a likelihood of irreparable harm and immediate injury in the absence of a
19 Temporary Restraining Order. Plaintiff contends that he will be irreparably harmed because
20 defendants are insolvent. But plaintiff does not sufficiently demonstrate in his moving papers
21 why any alleged injury cannot be cured by the payment of monetary damages. Thus, at this time
22 there is an insufficient showing of irreparable harm.

23 More importantly, Plaintiff does not indicate whether or how the insolvency is changing
24 or will imminently change. Plaintiff does not indicate when the ATF is likely to transfer the
25 firearms to the defendants. Given that there is no demonstrated emergency or need for immediate
26 equitable relief, plaintiff's request for a Temporary Restraining Order is denied.
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1 Plaintiff's Motion for a Preliminary Injunction (Dkt. #108) is referred to Magistrate Judge
2 Foley for a Report and Recommendation. The briefing on that motion shall proceed in the normal
3 course, unless altered by Magistrate Judge Foley.

4 Dated: November 14, 2014.

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8 ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE
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